

## CHAPTER 92

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**CHILDREN AND DOMESTIC MATTERS**


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**SENATE BILL 12-099**

BY SENATOR(S) Spence, Bacon, Boyd, Cadman, Giron, Grantham, Guzman, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, King K., King S., Lambert, Lundberg, Mitchell, Morse, Neville, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Steadman, Tochtrop, White, Williams S., Shaffer B.;  
also REPRESENTATIVE(S) Todd, Kerr A., Kerr J., Labuda, Massey, Nikkel, Ramirez, Ryden, Summers, Williams A., Wilson.

**AN ACT**

**CONCERNING EXPANSION OF ACCESS TO SERVICES FOR JUVENILES AT THE ACADEMIC MODEL JUVENILE FACILITY.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **amend** 19-2-411.5 as follows:

**19-2-411.5. Juvenile facility - contract for operation.** (1) The department of human services is hereby authorized to contract with a ~~single private entity~~ **CONTRACTOR** for the ~~design, construction, and~~ operation of a five-hundred-bed ~~residential juvenile~~ facility to house juveniles who are in the custody of the department of human services AND TO HOUSE JUVENILES WHO ARE IN THE TEMPORARY CUSTODY OF A COUNTY DEPARTMENT OF SOCIAL SERVICES. The ~~juvenile~~ facility shall follow an academic ~~correctional~~ model, providing educational, vocational, and positive developmental programming. THE CONTRACTOR SHALL WORK WITH THE DEPARTMENT OF HUMAN SERVICES TO DEVELOP AND MAINTAIN HIGH-QUALITY PROGRAMMING THAT IS APPROPRIATE FOR AND MEETS THE NEEDS OF THE JUVENILES PLACED IN THE FACILITY. The ~~juvenile~~ facility shall be constructed in a campus-style design and located on the parcel of real property formerly known as the Lowry bombing range. The state shall retain ownership of the ~~juvenile~~ facility constructed and operated pursuant to this section. Nothing in this section ~~shall be construed as requiring~~ **REQUIRES** that the parcel of real property formerly known as the Lowry bombing range be used exclusively for the ~~juvenile~~ facility constructed pursuant to this section.

(2) ~~On or before January 31, 1998, the department shall issue a request for proposals for the design, construction, and operation of the juvenile facility. The executive director of the department of human services shall establish the time and~~

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

manner for submitting proposals and shall select a contractor on or before June 1, 1998. In choosing a contractor, the executive director of the department of human services shall ensure that the contractor and the contract meet the following requirements:

(a) The executive director of the department of human services shall select the lowest responsible bid by the contractor most qualified to operate the juvenile facility on an academic correctional model, subject to available appropriations. Prior to final selection, the executive director shall confirm that the contractor has the qualifications, experience, and management personnel necessary to carry out the terms of the contract.

(b) The contractor shall agree to indemnify the state and the department of human services, including their officials and agents, against any and all liability including but not limited to any civil rights claims. The department of human services shall require proof of satisfactory insurance, the amount of which shall be determined by the department of human services following consultation with the division of insurance in the department of regulatory agencies.

(c) The proposed juvenile facility and the management plan for juveniles housed at the facility shall meet the requirements of applicable court orders and state law.

(d) The contractor shall be responsible for a range of dental, medical, and psychological services and diet, education, and work programs at least equal to those services and programs provided by the department of human services at comparable state juvenile facilities. The work and education programs shall be designed to reduce recidivism.

(e) The department of human services shall monitor the juvenile facility, and the contractor shall bear the costs of monitoring.

(3) ~~Upon completion of the construction of the juvenile facility contracted for pursuant to this section, The contract for operation of the facility shall be subject to annual renewal. The initial contract for design, construction, and operation of the juvenile facility and subsequent contracts for operation of the juvenile facility entered into pursuant to this section shall specify the responsibilities to be retained by the department of human services SHALL RETAIN with regard to juveniles housed at the juvenile facility and the responsibilities to be exercised by the contractor SHALL EXERCISE.~~

(4) The contractor shall require applicants for employment at the juvenile facility to submit a set of fingerprints to the Colorado bureau of investigation for a criminal background check, and the Colorado bureau of investigation may accept such fingerprints. For the purpose of conducting background checks, to the extent authorized by federal law, the Colorado bureau of investigation may exchange with the department any state, multi-state, and federal criminal history records of individuals who apply for employment at the juvenile facility.

(5) ~~Beginning twelve months after the juvenile facility constructed pursuant to this section begins operations, and annually thereafter, On AN ANNUAL BASIS, the division of youth corrections DEPARTMENT OF HUMAN SERVICES shall calculate the~~

recidivism rate for COMMITTED juveniles IN THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES who complete the program offered by the ~~juvenile~~ facility. In calculating the recidivism rate, the ~~division~~ DEPARTMENT OF HUMAN SERVICES shall include any juvenile who commits a criminal offense, either as a juvenile or as an adult, within three years after leaving the facility. The ~~division~~ DEPARTMENT OF HUMAN SERVICES shall report the recidivism rate to the general assembly.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 12, 2012